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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,242	08/01/2001	Andrew Hodgkinson	BAI825390/01485	4038
24118	7590	08/23/2005	EXAMINER	
HEAD, JOHNSON & KACHIGIAN 228 W 17TH PLACE TULSA, OK 74119			STORK, KYLE R	
			ART UNIT	PAPER NUMBER
			2178	
DATE MAILED: 08/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/920,242

Applicant(s)

HODGKINSON, ANDREW

Examiner

Kyle R. Stork

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This final office action is in response to the amendment filed 20 June 2005.
2. Claims 1-15 are pending. Claims 1 and 10 are independent claims. The rejection of claims 1-15 under 35 U.S.C. 101 has been withdrawn as necessitated by the amendment.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-15 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (herein after Allen) U.S. Patent No. 5,918,239 filed 1/21/1997 (provided by the applicant) in view of Cordell et al. (herein after Cordell) U.S. Patent No. 5,778,372 filed 4/18/1996 (provided by the applicant).

In regard to independent claim 1, Allen discloses the capability of identifying and obtaining data for a web page in response to a user instruction and processing the received data to generate and display the web page on a display screen connected thereto and wherein when the web page has been selected (Allen Abstract and Col 2 Lines 15-22)

Allen does not specifically disclose the data is being received the reformatting of the displayed web page is controlled so as to occur only after a predetermined time has

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elapsed since the previous web page reformat and/or after a predetermined event has occurred. However, Cordell mentions the web page event occurring during a certain time period (Cordell Col 13 Lines 24-40). It would have been obvious to one of ordinary skill in the art to apply Cordell to Allen, providing Allen the benefit of displaying the web page during a certain elapsed time to insure a correct and transformation as well as quick transformation.

In regard to dependent claim 2, Allen discloses wherein the use of the data processor is controlled by allowing the reformatting of the displayed web page to be stopped from occurring as the data is received (Allen Col 2 Lines 15-22)

In regard to dependent claim 3, Allen does not specifically disclose wherein the facility prevents the reformatting of the displayed page until a prefixed time interval has elapsed after the previous display page reformat. However, Cordell mentions the web page event occurring during a certain time period (Cordell Col 13 Lines 24-40). It would have been obvious to one of ordinary skill in the art to apply Cordell to Allen, providing Allen the benefit of displaying the web page during a certain elapsed time to insure a correct and transformation as well as quick transformation.

In regard to dependent claim 4, Allen discloses wherein when the first portion of data is received for a newly selected display page a reformat is carried out immediately to give the user the earliest possible indication of progress. (Allen Abstract and Col 2 Lines 9-14)

In regard to dependent claim 5, Allen does not specifically disclose wherein when an event occurs in the reception of data that would conventionally cause an immediate

reformat of the web page the facility notes the highest y-coordinate point or level in the displayed page that would be affected by the reformat and commences the time interval. However, Cordell mentions a similar process (Cordell Col 13 Lines 1-58). It would have been obvious to one of ordinary skill in the art to apply Cordell to Allen, providing Allen the benefit of determining the highest level of the displayed page affected to ensure the correct format of the page.

In regard to dependent claim 6, Allen does not specifically disclose wherein page display reformatting is prevented from occurring until a predetermined time interval has elapsed. However, Cordell mentions the web page event occurring during a certain time period (Cordell Col 13 Lines 24-40). It would have been obvious to one of ordinary skill in the art to apply Cordell to Allen, providing Allen the benefit of displaying the web page during a certain elapsed time to insure a correct and transformation as well as quick transformation.

In regard to dependent claim 7, Allen does not specifically disclose wherein a reformatting of the page display can occur during the time interval if all or a predefined proportion of data for the page is received during the time interval. However, Cordell mentions the web page event occurring during a certain time period (Cordell Col 13 Lines 24-40). It would have been obvious to one of ordinary skill in the art to apply Cordell to Allen, providing Allen the benefit of displaying the web page during a certain elapsed time to insure a correct and transformation as well as quick transformation.

In regard to dependent claim 8, Allen does not specifically disclose wherein sufficient data is deemed to have been received when data which would allow changes

to the web page to be achieved up to the previously noted highest y-coordinate point or level has been received. However, Cordell mentions a similar process (Cordell Col 13 Lines 1-58). It would have been obvious to one of ordinary skill in the art to apply Cordell to Allen, providing Allen the benefit of determining the highest level of the displayed page affected to ensure the correct format of the page.

In regard to dependent claim 9, Allen discloses the entire data fetch is complete as required, the reformatting of the displayed page can occur and the parts of the page which need to be changed in response to the newly received data are reformatted. (Allen Col 4 Lines 20-35)

Allen does not specifically disclose wherein when the time interval has elapsed. However, Cordell mentions the web page event occurring during a certain time period (Cordell Col 13 Lines 24-40). It would have been obvious to one of ordinary skill in the art to apply Cordell to Allen, providing Allen the benefit of displaying the web page during a certain elapsed time to insure a correct and transformation as well as quick transformation.

In regard to dependent claim 10, Allen discloses a deferring system which prevents the web browser from reformatting pages during the reception of data each time the display page layout needs to change in response to a user selection wherein the web browser reformats according to ... or when a predetermined amount of the data for the new page has been received. (Allen Abstract and Col 2 Lines 15-22)

Allen does not specifically disclose a predesignated time interval. However, Cordell mentions the web page event occurring during a certain time period (Cordell Col

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13 Lines 24-40). It would have been obvious to one of ordinary skill in the art to apply Cordell to Allen, providing Allen the benefit of displaying the web page during a certain elapsed time to insure a correct and transformation as well as quick transformation.

In regard to dependent claim 11, Allen does not specifically disclose a management system wherein when a new data event occurs that would normally cause an immediate page reformat, the browser takes note of the highest point in the page that would be affected and starts a time and delays reformat until a predesignated time elapses. However, Cordell mentions a similar process (Cordell Col 13 Lines 1-58). It would have been obvious to one of ordinary skill in the art to apply Cordell to Allen, providing Allen the benefit of determining the highest level of the displayed page affected to ensure the correct format of the page.

In regard to dependent claim 12, Allen does not specifically disclose wherein the reformat is delayed for the duration of a predesignated time period from the occurrence of a user selection. However, Cordell mentions the web page event occurring during a certain time period (Cordell Col 13 Lines 24-40). It would have been obvious to one of ordinary skill in the art to apply Cordell to Allen, providing Allen the benefit of displaying the web page during a certain elapsed time to insure a correct and transformation as well as quick transformation.

In regard to dependent claim 13, Allen discloses wherein the reformat is delayed until all data for the entire page is received. (Allen Col 2 Lines 15-22)

In regard to dependent claim 14, Allen does not specifically disclose wherein upon a user selection, the processor performs the data reception function only for a

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predesignated period of time. However, Cordell mentions the web page event occurring during a certain time period (Cordell Col 13 Lines 24-40). It would have been obvious to one of ordinary skill in the art to apply Cordell to Allen, providing Allen the benefit of displaying the web page during a certain elapsed time to insure a correct and transformation as well as quick transformation.

In regard to dependent claim 15, Allen discloses a management system wherein the system is incorporated in a processor of a broadcast data receiver, which allows Internet access. (Allen Abstract i.e. it is known that a web browser is displayed through the Internet)

### ***Response to Arguments***

3. Applicant's arguments filed 20 June 2005 have been fully considered but they are not persuasive.

The applicant argues that while Cordell teaches utilization of time delays, Cordell's use of time delays is nonanalogous with the applicant's use of time delays (pages 6-7). However, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both the applicant and Cordell use time delays in order to download information. In Cordell's case, the time delay specifies



when a resource will become available for update (Cordell: column 13, lines 24-40). In the applicant's case, the time delay is a time before a reformat (update) will occur.

Further, the applicant argues that Cordell teaches away from the method of the present application (page 9). However, the examiner respectfully disagrees. As per claim 1, the applicant discloses, "reformatting of the displayed web page is controlled so as to occur only after a predetermined time has elapsed since the previous web page reformat and/or after a predetermined event has occurred (claim 1, lines 6-8)."

Similarly, Cordell discloses reformatting (here, an updated web page is a changed web page. A web page change effects the formatting of the page. Thusly, an updated web page is a reformatted web page) a web page after a predetermined time and/or event (connection to a remote site), has occurred (column 13, lines 24-58: Here, the web page is updated based upon a request for the updated web page once the connection is re-established). Further, Cordell discloses initially drawing a web page without a background image or embedded images (abstract). The web page without images is originally drawn. If a request for the images is submitted, a reformatted web page, containing the images is displayed (Figures 3-5).

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle R. Stork whose telephone number is (571) 272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kyle Stork  
Patent Examiner  
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hrs

A handwritten signature in black ink, appearing to read "Cesar Paula". The signature is fluid and cursive, with the first name "Cesar" and last name "Paula" clearly distinguishable.

**CESAR PAULA  
PRIMARY EXAMINER**